

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAVID C. LETTIERI, §
§
Plaintiff, §
§
v. § Civil No. 3:24-cv-270-L-BN
§
SECURUS TECHNOLOGIES, §
§
Defendant. §

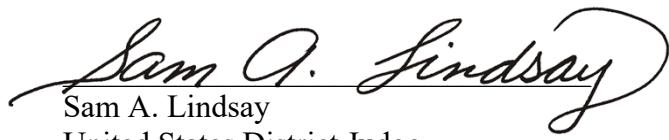
ORDER

The Findings, Conclusions and Recommendation of the United States Magistrate Judge David Horan (“Report”) (Doc. 13) was entered on June 12, 2024, recommending that David C. Lettieri’s (“Plaintiff”) construed motion under Federal Rule of Civil Procedure 59(e) be denied (Doc. 11), and recommending that the court reopen and close the case for statistical purposes. The court referred Plaintiff’s Motion for Leave to proceed *in forma pauperis* (“IFP”) to the magistrate judge. The court granted the IFP motion, accepted the Report of the magistrate judge, overruled Plaintiff’s Objections, and entered judgment (Doc. 9). Within 28 days of the court’s order, Plaintiff filed a motion for reconsideration (Doc. 11).

In support of its recommendation, the Report concluded that “[w]here a litigant requests that a district court reexamine a prior ruling that adjudicates all the claims among all the parties, such a motion filed ‘within twenty-eight days after the entry of the judgment … is treated as though it was filed under [Federal Rule of Civil Procedure] 59.’” Report 2 (quoting *Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 n.2 (5th Cir. 2012) (per curiam) (citation omitted)). The Report determined that Plaintiff failed to show a basis for granting a Rule 59(e) motion. Report 3.

Having considered the Report, file, and record in this case, the court determines that the magistrate judge's finding and conclusions in the Report are correct, and **accepts** them as those of the court. Accordingly, the court **directs** the Clerk of Court to reopen this action; **denies** Plaintiff's Motion for Reconsideration construed as brought under Rule 59(e). Further, the court **administratively closes** this action and **directs** the United States District Clerk to submit a JS-6 form to the Administrative Office, thereby removing this case from the statistical records.

It is so ordered this 3rd day of September, 2024.



Sam A. Lindsay
United States District Judge